

Appl. No. : 09/380,534  
Filed : September 1, 1999

maintaining the antigen in the mammal's lymphatic system sufficient to maintain the CTL response for a period of time that is substantially co-extensive with a desired duration of the CTL response;

obtaining a sustained CTL response in the mammal; and  
detecting the sustained CTL response in the mammal.

Please amend Claims 3, 4, 39, 44, 48, 50, 51, 61, 62, 66, and 67 as follows:

3. (Amended) The method of Claim 72, wherein the CTL response is maintained by delivering the antigen directly to the spleen, a lymph node or lymph vessel.

4. (Thrice Amended) The method of Claim 72, wherein the antigen is a disease matched antigen.

39. (Amended) The method of claim 72, wherein said antigen is provided as a polypeptide.

44. (Amended) The method of claim 72, wherein said antigen is provided as a component of a microorganism.

48. (Twice Amended) The method of claim 72, wherein said antigen is provided as a nucleic acid encoding the antigen.

50. (Twice Amended) The method of claim 72, wherein said antigen is provided as a vector comprising a bacterium.

51. (Twice Amended) The method of claim 72, wherein said antigen is provided as a vector comprising a virus.

61. (Amended) The method of Claim 72, wherein the antigen is delivered as a bolus in a single dose, and wherein the single dose is sufficient to maintain the immunologic CTL response.

62. (Amended) The method of Claim 72, wherein the antigen is maintained by sustained, regular delivery of the antigen.

66. (Amended) The method of claim 72, wherein said sustained exposure of the antigen to the mammal's lymphatic system comprises continuous exposure of the antigen to the mammal's lymphatic system.

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67. (Amended) The method of claim 72, wherein said sustained exposure of the antigen to the mammal's lymphatic system comprises repeated exposure of the antigen to the mammal's lymphatic system.

#### REMARKS

Claims 3-21, 39-70, and 72 remain presented for examination. As specified above, Claims 1, 2, 22-38, and 71 have been cancelled without prejudice and new independent Claim 72 has been added. Claims 3, 4, 39, 44, 48, 50, 51, 61, 62, 66, and 67 have been amended only to correct the Claim dependencies. No new matter has been added by the new Claim or the amendments to the Claims.

The specific changes to the Claims are shown on a separate set of pages attached hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Amendment. On this set of pages, the insertions are double underlined and bolded while the [deletions are in brackets and bolded].

#### Discussion of Rejection under 35 U.S.C. § 112, second paragraph

The Office Action rejected Claims 1-21 and 39-70 under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting "administration of the antigen distal to the lymphatic system." The Office Action further stated that it is not clear how something can be distal to the lymphatic system. As discussed with the Examiner by telephone, Applicants assert that the objected-to phrase, and particularly the phrase "distal to the lymphatic system" are clear and definite. However, in order to advance the prosecution of the case, Applicants have cancelled Claim 1. New Claim 72 does not include the objected-to phrase. Therefore, Applicants respectfully request withdrawal of the § 112, second paragraph rejection.

#### Discussion of Rejection Under 35 U.S.C. § 102

The Office Action rejected Claims 1, 4, 7-10, 14, 39, 43-52, 55-59, and 61-70 under 35 U.S.C. § 102(b) as being anticipated by Martins et al. ("Martins") (U.S. Patent No. 4,455,142). To be anticipatory under 35 U.S.C. § 102, a reference must teach each and every element of the